

REMARKS

This is responsive to the Office Action mailed September 16, 2004 in which the Examiner rejected claims 1-3 and 5-11 under §102(b) as being anticipated by U.S. Patent No. 3,896,624 to Chang, objected to claims 4 and 12-18 as being dependent on a rejected base claim, and, allowed claims 19-35.

In response, applicant has cancelled claims 1, 9 and 35, amended claims 2-8, 10 and 26, and, added new claims 36 and 37. The Examiner's objection to the drawings is moot in view of the cancellation of claims 9 and 35. Favorable consideration of the pending claims is respectfully requested.

Discussion of Cited Reference

The structural block disclosed in the Chang patent has eighteen individual faces, each formed with a hole, and eight triangular protruberances 22 extending from the upper and lower portions of the sides of the unit as best seen in Figs. 1 and 3. The purpose of the blocks taught in Chang is to provide a stable underwater foundation for structures such as breakwaters, dikes, abutments and the like. A number of blocks are randomly dumped in a pile onto the floor of a body of water and embed themselves in mud, silt or the like on the floor. See Fig. 8. The mud or silt enters the interior of the blocks through the holes in their walls to increase the weight of each block. The triangular protruberances 22 assist in creating friction between adjacent blocks to resist rotation of the blocks in the soft mud or silt layer on the floor of the body of water. See Column 5, lines 48-67.

Amended Claims and Discussion of Rejection of Claims

Claim 1 has been replaced with new claim 36 which stresses the construction of the side walls of the modular units of this invention. As recited in claim 36, the side walls of each modular

unit have a tapered section which is formed with a through bore intersecting the hollow interior. The modular unit may be positioned in an upright orientation with its top wall located vertically above the bottom wall, and in an inverted position wherein the bottom wall is located vertically above the top wall. The tapered section of each side wall of the modular unit is formed so that it can engage and align with the tapered section of a side wall of another, adjacent modular unit. With a first one of the modular units positioned in an upright orientation, the tapered section of each of its side walls can engage the corresponding tapered section of one of the side walls of a second modular unit placed in an inverted position adjacent to the first one. When two modular units are engaged with one another, the through bores in their respective tapered sections align with one another allowing for the free passage of water and aquatic life into the interior of the units.

This structure is not anticipated or rendered obvious by the Chang reference. On the contrary, Chang teaches the use of triangular-shaped protuberances projecting outwardly from the blocks to enhance frictional engagement between them. These protuberances prevent the side walls of adjacent blocks from mating with one another, and prevent alignment of the bores in such walls. Further, the blocks of the Chang reference are symmetrical and there is no inverted or upright position of same within the meaning of claim 36 or as contemplated in the present invention.

Claims 2-8 and 37 depend from claim 36 and are allowable for the same reasons given above.

Claim 10 been amended to stress that it recites an apparatus including the combination of a modular unit and an anchoring device. The modular unit has at least one support extending from its bottom wall. The anchoring device is adapted to rest on the floor of a body of water, and it has mounting structure which engages the at least one support of the modular unit to connect it to the anchoring device. The Chang reference has no anchoring device separate from the blocks. Each

block has protuberances, but neither that structure nor anything else on the blocks connects to an anchoring device which is adapted to rest upon the floor of a body of water. Claim 10 is clearly allowable over the Chang reference. Since dependent claims 11-18 were considered to contain allowable subject matter, they are also considered allowable.

In view of the amendments to claims 2-8, 10 and 26, the addition of new claims 36 and 37, and, the remarks given above, this case is considered to be in a condition for allowance and early notification of same is respectfully requested.

Respectfully submitted,

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